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Office Memorandum • UNITED STATES GOVERNMENT

TO : Chief, SSS
Via Chief, FD
FROM : Legal Staff

DATE: 14 February 1950

OGC HAS REVIEWED.

SUBJECT: Travel expenses

1. In the course of revising certain personal service contract forms, a review of current Agency regulations indicates that some aspects of the overseas travel problem are not covered. Administrative Instruction 30-1, dated 6 January 1950, is silent in regard to payment of travel expenses to the United States of an employee who resigns overseas, and it takes no recognition of a reimbursable debt in favor of the United States when his resignation takes place prior to a set period of service required by the Agency. Our basic legal authority for purposes of discussion are P.L. 600 - 79th Cong. (Title 5, U.S.C.A., § 73b-3), P.L. 110 - 81st Cong., and the Foreign Service Regulations.

2. As you are probably aware, Section 7 of P.L. 600 provides that travel expenses shall not be allowed to new appointees until they agree in writing to remain in the Government service for 12 months following their appointment, unless separated for reasons beyond their control. Since we are only concerned with those employees who are separated for reasons within their control, no further reference will be made to this condition. If the agreement is violated, any monies expended by the United States become a debt of the individual reimbursable to the United States.

3. The effect of Section 7 is clear in the case of an employee who resigns abroad for his own convenience. We do not pay his transportation home, and if he resigns prior to the expiration of 12 months' service, the cost of transportation overseas paid by the Government becomes a debt due the United States. The Comptroller General (see 27 Comp. Gen. 70) has indicated that the Agency may increase the required period of service beyond the 12 months required by the Act.

4. Section 7 does not apply to appropriations for the Foreign Service, and for that reason there is no provision made for reimbursement in the Foreign Service Regulations. However, the Foreign Service Regulations do provide (see Section 103.607 (k)(1)(iv)) that "any other officer or employee who is a citizen of the United States who resigns after a total of two years service abroad, provided that he shall have served a minimum period of one year abroad following a period of home leave at Government expense, or following a transfer while on leave or consultation in the United States" is entitled to his return travel expenses if he resigns abroad.

5. As far as this office is aware, Agency policy requires two years' overseas service before return travel will be paid, and reimbursement must be made for travel expenses over if the employee resigns prior to the expiration of 12 months' service. No minimum

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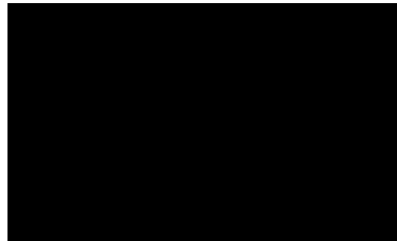
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period of overseas service has been specifically indicated for old employees - i.e., other than new appointees - who resign prior to the expiration of their subsequent tour of duty.

6. In view of the Agency policy to apply Foreign Service Regulations to all overseas personnel, we believe some statement is advisable regarding reimbursement by the employee for travel to his post of duty, and payment by the Agency of travel to the United States, on resignation overseas of an employee who is:

- a. A new appointee, or
- b. Serving a tour of duty subsequent to that of initial appointment

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